IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Civil Misc. Stay Vacation Application 10413 of 2003
In
Civil Writ Petition No. 260 of 2003 (S/B)

Durga Dutt Pandey,
Aged out 54 years,
S/o lage Shri G.D. Pandey,
Working as Principal Government
Polytechnic, Dehradun. …….. Petitioner

Versus

State of Uttaranchal
and others …….. Respondents

Mr. L.P. Naithani, Sr. Advocate i/b S. Upadhyaya Advocate for the petitioner.
Mt. Manoj Tiwari, Advocate for respondents No. 3 & 4.
Mr. K.P.Upadhayaya, learned Standing Counsel for the State.

Coram: Hon'ble S.H. Kapadia, C.J.
Hon'ble M.M. Ghildiyal, J.

Date: 08.12.2003

PC:-

The short controversy in this writ petition is whether the petitioner is senior to respondent Nos. 3 and 4. On behalf of the respondent Nos. 1 and 2 a counter has been filed stating that he was mislead because respondent Nos. 3 and 4 in the petition did not given correct date of appointment of the petitioner and had wrongly stated that the petitioner was junior to respondent Nos. 3 and 4. It is the case of respondent No. 3 and 4 that paragraph 5 of the counter affidavit filed by Akhilesh Verma (on behalf of respondent Nos. 1 & 2) is an after thought. We do not want to go into this controversy. Suffice to state that the Secretary, Technical Education, Uttaranchal will hear and decide the seniority of the parties in accordance with law. He will take into account the written representations of the parties while deciding the matter. He will also take into account the judgment of the Allahabad High Court in writ petition No. 32581 of 1995 while deciding the matter.

Before the conclude, we may mention that respondent No. 1 will decide dehors the order dated 22 November 2002.

Writ petition is accordingly disposed of.

(M.M. Ghildiyal, J.) **(S.H. Kapadia, C.J.)**

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